

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Scott A. Jester

Atty. Docket: 21,966-04

Serial No.: 10/

Filed:

For: Remote Chassis Monitoring System

APPOINTMENT OF ATTORNEYS INCORPORATING
STATEMENT UNDER 37 CFR 3.73(B)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of Rackmaster Systems, Inc., a corporation organized and existing under the laws of the State of Minnesota, hereby appoints, jointly and severally, Frederick W. Niebuhr, Registration No. 27,717; Thomas J. Oppold, Registration No. 42,054; and Michael A. Essien, Registration No. 50,534, of LARKIN, HOFFMAN, DALY & LINDGREN, LTD., 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Bloomington, Minnesota 55431-3333, as its attorneys with full power of substitution and revocation to prosecute the accompanying and above-identified application and to transact all business in the Patent and Trademark Office connected herewith, and with the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continued prosecution application, continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

Pursuant to 37 CFR 3.73(b), Rackmaster Systems, Inc. certifies that it is the assignee of the entire right, title and interest in and to the patent application identified above by virtue of an assignment from the inventor, a copy of which is attached hereto.

Please direct all communications concerning this application to:

Frederick W. Niebuhr
Larkin, Hoffman, Daly & Lindgren, Ltd.
1500 Wells Fargo Plaza
7900 Xerxes Avenue South
Bloomington, Minnesota 55431-3333
(952) 896-1574

The undersigned states that he is empowered to execute this document on behalf of the assignee.

Rackmaster Systems, Inc.

Date: August 26, 2003

By: Pete J. Buhl
Patrick J. Buhl

Title: President/CEO

874816.1

DECLARATION AND PETITION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated immediately below next to my name;

Full name of inventor: Scott A. Jester
Residence (City/State): Lakeville, Minnesota
Mailing Address: 20870 Isle Avenue
Lakeville, MN 55044
Citizenship: United States

I believe I am an original, first, and sole inventor (if only one name appears above), or a joint inventor (if more than one name appears above) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Remote Chassis Monitoring System," the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claim, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (or §365) of any foreign application(s) for patent or inventor's certificate listed pursuant to §119 (a)-(d) or of any provisional patent application(s) listed pursuant to §119(e), and have identified any such application(s) for patent or inventor's certificate having a filing date before this application:

60/415,180 USA October 1, 2002
(Number) (Country) (Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information in accordance with Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

N/A (Filing date) (Status - patented, pending, abandoned)
(Application Serial No.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all communications concerning this application to:

Frederick W. Niebuhr
Larkin, Hoffman, Daly & Lindgren, Ltd.
1500 Wells Fargo Plaza
7900 Xerxes Avenue South
Bloomington, Minnesota 55431-3333
(952) 896-1574

Wherefore, I pray that Letters Patent be granted for the invention or discovery described and claimed in the above-referenced specification including the claims, and I hereby subscribe my name to said specification and claims, the foregoing declaration, and this petition.

Full name of inventor: Scott A. Jester

Inventor's signature: Scott A. Jester

Date: 9/15/03

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Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Scott A. Jester Attorney Docket: 21,966-04
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DECLARATION CLAIMING SMALL ENTITY STATUS UNDER
37 CFR 1.9(f) AND 1.27 (b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office with regard to the invention entitled Remote Chassis Monitoring System described in:

- the specification filed herewith
- the above-identified patent application
- the above-identified patent.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a non-profit organization under 37 CFR §1.9(e).

I hereby identify each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention:

- There is no such person, concern, or organization.
- Each such person, concern, or organization is listed below.

Name: Rackmaster Systems, Inc.

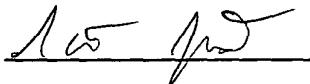
Address: 5244 Valley Industrial Blvd., Shakopee, MN 55379

Individual Small Business Concern Nonprofit Organization

[Separate verified statements are required from each named person, concern or organization having rights to the invention regarding small entity status.
(37 CFR §1.9(f).]

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the loss of entitlement to small entity status. (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of inventor: Scott A. Jester Address
Inventor's Signature: 
Dated: 9/15/03

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Scott A. Jester Attorney Docket: 21,966-04
Serial No: 10/
Filed:
For: Remote Chassis Monitoring System

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION CLAIMING SMALL ENTITY STATUS UNDER
37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

Name and Address of Small Business Concern:

Rackmaster Systems, Inc.
5244 Valley Industrial Blvd.
Shakopee, MN 55379

I hereby state that I am:

the owner of the small business concern identified above.

an official of the above identified small business concern, empowered to act on its behalf.

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office with regard to the invention entitled Remote Chassis Monitoring System, in that the number of employees of the concern, including those of its affiliates, does not exceed 500. For purposes of this statement: (1) the number of employees of the concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year; and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both concerns.

I hereby state that rights under contract or law have been conveyed to and remain with the above identified small business concern, with regard to the invention described in:

- the specification filed herewith
- the above identified application
- the above identified patent.

I hereby state that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a non-profit organization under 37 C.F.R. 1.9(e).

If the rights held by the above identified small business concern are not exclusive, I hereby identify each person, concern or organization having rights in the invention, each of which must file a separate statement as to small entity status:

- There is no such person, concern or organization.
- Each such person, concern, or organization is listed below.

Name:

Address:

Individual Small business concern Non-Profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the loss of entitlement to small entity status (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of individual signing: Patrick J. Buhl

Title, if other than owner: President/C.E.O.

Address of individual signing: Rackmaster Systems, Inc.
5244 Valley Industrial Blvd.
Shakopee, MN 55379

Signature: Patrick J. Buhl

Dated: August 26, 2003

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ASSIGNMENT

WHEREAS I, Scott A. Jester, a citizen of the United States and resident of Lakeville, Minnesota, am sole inventor of that certain invention disclosed in an application for United States Letters Patent entitled "Remote Chassis Monitoring System," filed _____, with the U.S. Patent and Trademark Office as application Serial No. 10/_____, for which I signed an inventor's declaration on September 5, 2003, which application is further identified by Attorney Docket No. 21,966-04 (the Application); and

Rackmaster Systems, Inc., a corporation organized and existing under the laws of the State of Minnesota, and having a principal place of business at 5244 Valley Industrial Boulevard, Shakopee, Minnesota 55379, is desirous of acquiring the Application and the invention disclosed therein (Invention), and any and all United States and foreign patents that may be granted on said Invention;

NOW, THEREFORE, Be It Known that for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, I, Scott A. Jester, have sold, assigned and transferred, and do hereby sell, assign and transfer unto said Rackmaster Systems, Inc., my entire right, title and interest in and to said Invention, said Application and any continuations or foreign counterparts thereof, and any and all United States and foreign patents that may be granted on said Invention.

I covenant that I have not executed any instrument or taken any action contrary to this Assignment, nor will I do so in the future, and further covenant that I or my executors, administrators, representatives or assigns will execute all papers, assignments or other documents as requested by Rackmaster Systems, Inc., will provide testimony by affidavit or otherwise on behalf of Rackmaster Systems, Inc., in any proceeding before the U.S. Patent and Trademark Office, foreign patent office, state or federal court, or other decision-making body, and in general will cooperate fully with Rackmaster Systems, Inc., or its successors and assigns in the endeavor to secure, perfect, maintain or enforce any rights under said Invention, said Application, or any patents granted on said Invention, at the expense of Rackmaster Systems, Inc. but at no additional charge to Rackmaster Systems, Inc.

The Commissioner of Patents, and the officials with comparable authority over patents in foreign countries, are hereby authorized and directed to issue, in accordance with this Assignment, any and all patents which may be granted as a result of said Application or any such continuations or counterparts thereof, or otherwise granted on the said Invention.

To facilitate the proper identification of the said Application in the event of a post-filing execution of this Assignment, I authorize post-signature entry of the application filing date and serial number in the spaces provided above.

Signed at St. Cloud Minnesota, this 5 day of Sept, 2003.
(city and state)

Patrick J. Buhl
(Typed or Printed Name of Witness)

Scott A. Jester

(Witness as to Scott A. Jester)

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